

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHIQIANG GAO,
On behalf of himself and on behalf of others
similarly situated,

Plaintiff,

-against-

A CANAAN SUSHI INC., et al.,

Defendants.
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18-CV-6442 (GBD) (OTW)

ORDER

ONA T. WANG, United States Magistrate Judge:

After granting Plaintiff's motion for conditional certification in part, the Court ordered Plaintiff to submit a revised proposed notice of pendency. (ECF 36). On December 17, 2019, after meeting and conferring, the parties jointly submitted a revised proposed notice. (ECF 37). The revised notice notably fails to address some of the concerns with the previous notice that the Court addressed in its conditional certification opinion. (ECF 36 at 8-9). Accordingly, the parties' request for approval of the proposed notice is DENIED.

The parties shall meet and confer and submit for approval another revised proposed notice, which should at least include the following changes:

- (1) Last paragraph of page 1: The paragraph should clarify that the right to participate in the lawsuit is limited to only certain categories of workers.
- (2) The notice should include a section providing a more detailed description of Defendants' defenses other than "Defendants deny these allegations." The notice

should also include contact information for defense counsel. *See Lin v. Yuri Sushi*, No. 18-cv-528, ECF 37-1 (S.D.N.Y. Feb. 8, 2019).

- (3) Second paragraph of page 4: The paragraph “If you select an attorney other than Plaintiffs’ counsel to represent you in this action, you may join this lawsuit by submitting an appropriate consent form directly to the Clerk of Court by the deadline indicated herein” should be in Section 7 (“How do I ask the Court to include me in this case?”) rather than in Section 10 (“How will the lawyers be paid?”).

Plaintiff is directed to exercise greater diligence to ensure that the notice sufficiently informs potential plaintiffs of their rights. Plaintiff’s typos, such as the misspelling of “District” on page 4, seems to be indicative of Plaintiff’s lack of attention to this task, as is Plaintiff’s failure to address the Court’s previously-raised concerns.

After meeting and conferring with Defendants, Plaintiff shall file the revised proposed notice by **January 3, 2020**. Defendants shall submit any objections, if any, to the revised proposed notice by **January 6, 2020**.

SO ORDERED.

Dated: December 19, 2019
New York, New York

s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge